

## **REMARKS**

### **Status of the Claims**

Claims 63-67, 73, and 74 are pending in the present application. Claims 1-6, 68, and 71 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Applicants expressly reserve the right to pursue the cancelled subject matter in a continuing application. Claims 63-67 have been amended as described elsewhere herein. New claims 73 and 74 have been added. The new claims are supported by the originally-filed specification and claims. See, for example, original claims 7, 8, and 13-38 and line 23 of page 3 of the specification. No new matter has been added by way of amendment. Reconsideration of the rejection of the claims is requested in view of the following remarks.

### **The Objections to the Specification Should be Withdrawn**

The Examiner has objected to the title of the invention on the grounds that it is not sufficiently descriptive of the invention. The title has been amended to more clearly reflect the subject matter encompassed by the currently-pending claims, thereby obviating the objection

### **The Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures**

The specification has been objected to on the grounds that it contains an amino acid sequence but no sequence listing has been submitted. Applicants attach herewith a sequence listing containing the peptide sequence shown on line 3 of page 159. Applicants request that the attached sequence listing be entered into the specification.

### **The Rejection Under 35 U.S.C. §112, First Paragraph, Should be Withdrawn**

Claims 1-6, 63-68, and 71 have been rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification does not provide sufficient enablement for solvates and physiologically functional derivatives of compounds of Formula (I).

Claims 1-6, 68, and 71 have been cancelled, rendering the rejection of these claims moot. Applicants respectfully disagree with the rejection as applied to the remaining claims. Methods of making solvates and derivatives of chemical compounds are well known to those of skill in the art. Nevertheless, in order to expedite

prosecution, claims 63-67 have been amended to delete this term, thereby obviating the rejection.

Claims 68 and 71 have been rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification, while enabling for a method of treating rheumatoid arthritis, does not provide sufficient enabling disclosure to allow one of skill in the art to use these compounds in a method of treating a disorder mediated by inappropriate ROCK-1 or Aurora kinase activity. In order to expedite prosecution, claims 68 and 71 have been cancelled, thereby obviating the rejection.

In view of the above amendments, all grounds for rejection under 35 U.S.C. §112, first paragraph, have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejection Under 35 U.S.C. §102(e) Should be Withdrawn

Claims 1-6, 63-68, and 71 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2008/0125427A1 (Sehon *et al.*). Claims 1-6, 68, and 71 have been cancelled, thereby rendering the rejection of these claims moot. It is respectfully submitted that the rejection does not apply to claims 63-67 as currently amended or to new claims 73 and 74.

The Nonstatutory Double Patenting Rejection Should be Withdrawn

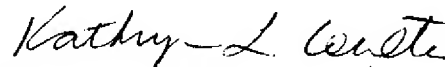
Claims 1-6, 63-68, and 71 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending U.S. Patent Application No. 11/570,083. Claims 1-6, 68, and 71 have been cancelled, thereby rendering the rejection of these claims moot. With respect to the remaining claims, it is noted that the rejection is a provisional rejection as neither patent application has been shown to have allowable subject matter. At the appropriate time, the applicants will either demonstrate that the claims of the subject applications are patentably distinct or file a terminal disclaimer.

**CONCLUSION**

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

If the Examiner has any outstanding issues with the pending claims, he is encouraged to telephone the undersigned at (919) 483-1467 for expeditious handling.

Respectfully submitted,



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